community, high quality teaching, challenging and up-to-date curriculum, policies that ensure a safe environment conducive to learning, family involvement, and equity in education to assure that all students are helped to achieve high standards.

Blue Ribbon schools do not rest on their laurels. Each is committed to sharing best practices with other schools, and to helping to identify their strengths and weaknesses.

Special congratulations are due to Cheltenham Elementary School for designing a curriculum that encourages students to research their community. Cheltenham students take field trips to historic homes, the police station, the township building, the library, and the local judge. Their learning also makes the students aware of needs of the less fortunate through activities such as providing food baskets and visits to nursing homes. As a result of these projects, Cheltenham students have gathered money to build a wall for a school in Ecuador and to purchase materials for a school devastated by a hurricane in Florida. They have also written letters to governments officials on behalf of a Native American group. Cheltenham students are learning civic responsibility at a young age.

McKinley Elementary School has demonstrated excellence in creating a safe school environment. The McKinley community understands that academic success can only grow in a violence-free class-rooms, and has been a leader in these issues. They have taken a proactive approach to violence prevention by developing non-violent conflict resolution strategies, peer mediation program, parenting workshops, and school and police collaboration. The importance of McKinley's work in this area has been underscored by recent tragedies in schools across the nation.

Thomas Fitzwater Elementary School has taken special steps to meet the needs of all students. This commitment to have every child experience success is exemplified by the programs and accomplishments such as Thomas Fitzwater's Support One Student initiative, a child advocacy program to assist at-risk students. Each identified student is matched with a volunteer staff member. These members include professional, custodial, secretarial, and cafeteria staff. Regular personal contact by caring and supportive staff member promotes a positive environment and guides the student away from inappropriate and possibly destructive behavior. Another example of Thomas Fitzwater's inclusive policies is the collaboration between the Montgomery County Intermediate Unit special education classes and the regular education classes in our school. Throughout the county, the Intermediate Unit provides classes for children with low-incidence handicaps. Four of these classes are housed in Thomas Fitzwater's school building. Regular education children assist in these classes and are very sensitive to these exceptional children's needs. As a result of this collaboration, many special education students have been integrated into regular education classes. McKinley sets the bar high with its motto, ''Success for All Students,'' and every school in the country should endeavor to meet this standard.

INTRODUCTION OF THE MEDICARE COMMUNITY NURSING DEMONSTRATION EXTENSION ACT OF 1999

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to re-introduce legislation similar to that which I sponsored in the 104th and 105th Congresses to extend the demonstration authority under the Medicare program for Community Nursing Organization (CNO) projects.

CNO projects serve Medicare beneficiaries in home- and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll. The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNOs are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

The current CNO demonstration program, which was authorized by Congress in 1987 and extended for 2 years in the Balanced Budget Act of 1997, involves more than 6,000 Medicare beneficiaries in Arizona, Illinois, Minnesota, and New York. It is designed to determine the practicality of prepaid community nursing as a means to improve home health care and reduce the need for costly institutional care for Medicare beneficiaries.

To date, the projects have been effective in collecting valuable data to determine whether the combination of capitated payments and nurse-case management will promote timely and appropriate use of community nursing and ambulatory care services and reduce the use of costly acute care services. Authority for these effective programs is now set to expire on December 31, 1999.

Mr. Speaker, while I am glad Congress extended the demonstration authority for the CNO projects last session, I am disappointed that the Health Care Financing Administration is so anxious to terminate this important and effective program. In 1996, HCFA extended the demonstration for one year to allow them to better evaluate the costs or savings of the services available under the program, learn more about the benefits or barriers of a partially capitated program for post-acute care, review Medicare payments for out-of-plan services covered in a capitation rate, and provide greater opportunity for beneficiaries to participate in these programs.

Frankly, in order to do all this analysis of the program, we need more time to evaluate the extensive data that has been collected. We should not let the program die as the data is reviewed. We need to act now to extend this demonstration authority for another three years.

This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments and case management services—all for an average monthly capitation rate of about $89. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,600 enrollees in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNOs on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNOs actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with enrollees who are elderly or disabled, CNOs are helping show us how to increase benefits, save scarce dollars and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and health care-enhancing CNO demonstrations for another three years.

DEDICATION OF THE NEW CITY HALL

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. KINGSTON. Mr. Speaker, the volunteer efforts of so many people in Offerman have been so extraordinary that one is tempted to suggest that the federal government consider this method of putting up new buildings in order to save ourselves from the cost overruns, delays, and problems that seem to plague this kind of enterprise all too often.

The efforts of people like the Edward Daniel family, Mrs. Lucille Chancey, Mrs. Ethel Roberson, the Sam Cason family, the Ray Cason family, the Harvey Dixon family, the Ellis Denison family, and so many, many others have been so inspiring that the entire community has created a feeling of togetherness that is similar to the feeling one experiences at a family reunion.

And speaking of families, the extended Cason family contributed to the enterprise in a way that brought generations together.

Sam and Susie Cason helped with the painting, the carpentry, the sheet rock, the landscaping, the insulation, and countless other tasks.

And they were joined by their children, and the Ray Cason family and grandchildren, with some as young as the 1st grade helping with their little tool sets in the best way they could.

Many of those who volunteered their time had full-time jobs, and so they came to help on Saturdays.

Evenings and weekends—any time that was free—went into the task of completing a job whose progress was open to all to see.

Communities used to come together during the Middle Ages to construct spectacular cathedrals, for they were the center of public life and the beautiful churches they built were the pride of the community.

The cathedrals were often multi-year projects, and they called upon the labors of virtually everyone in the community.

The famous cathedrals of Notre Dame in Paris, for example, was built over a period of 157 years by the time it was finally completed.

It was the pride of kingdom, and artists and carpenters came from great distances to have the honor of participating in such a spectacular undertaking.

Another famous cathedral is the stunningly beautiful cathedral of Chartres, also in France.

50 years after it was built, it was completely destroyed by fire.

So the community decided it would have to be rebuilt—even better than before.

It took 26 years, but as generations to follow would attest, it was worth the effort.

The same spirit of common enterprise evident back then has been evident in the construction of Offerman's new city hall.

The entire community was involved, and for the past two years, there was no escaping the progress of the project, as the results were there for all to see.

Well, today we see the final result of so many labors.

The citizens of this great city have devoted time, materials, labor, and not a few blisters, overcoming many obstacles and unanticipated hiccups along the way.

This new addition to Offerman will be much more than a new building we call city hall.

It will include a branch library and computer facilities for students and adults; and it stands next to a public park with picnic and other recreational facilities that are tailor-made for Offerman families.

This facility promises to be a new center of public activity for the citizens of Offerman, and it is with great enthusiasm and pride that I join you in dedicating this new city hall and declaring ''Open House'' to all.

Thank you very much for allowing me an opportunity to share in the celebration of all your hard work and perseverance.

INTRODUCTION OF THE FAIR ACCESS TO INDEMNITY AND REIMBURSEMENT (FAIR) ACT

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 27, 1999

Mr. GOODLING. Mr. Speaker, I rise today to introduce a bill that will level the playing field for small businesses as they face two aggressive federal agencies with vast expertise and resources—the National Labor Relations Board (NLRB) and the Occupational Safety and Health Administration (OSHA). The Fair Access to Indemnity and Reimbursement Act—the FAIR Act—is about being fair to small businesses. It is about giving small entities, including labor organizations, the incentive they need to fight meritless claims brought against them by intimidating bureaucracies that sometimes strong-arm those having limited resources to defend themselves.

The FAIR Act is similar to Title IV of my Fairness for Small Business and Employees Act from last Congress, H.R. 3246, which passed the House last March. This new legislation, however, amends both the National Labor Relations Act (NLRA) and the Occupational Safety and Health Act (OSH Act) to provide that a small business or labor organization which prevails in an action against the Board or OSHA will automatically be allowed to recoup the attorney's fees it spent defending itself. The FAIR Act applies to any employer who has not more than 100 employees and a net worth of not more than $7 million. It is these small entities that are most in need of the FAIR Act's protection.

Mr. Speaker, the FAIR Act ensures that those with modest means will not be forced to capitulate in the face of frivolous actions brought by the Board or OSHA, while making those agencies' bureaucrats think long and hard before they start an action against a small business. By granting attorney's fees and expenses to small businesses who know the case against them is a loser, who know that they have done nothing wrong, the FAIR Act gives these entities an effective means to fight against abusive and unwarranted intrusions by the Board and OSHA. Government agencies the size of the NLRB and OSHA—well-staffed, with numerous lawyers—should more carefully evaluate the merits of a case before bringing a complaint or citation against a small business, which is ill-equipped to defend itself against an opponent with such superior expertise and resources. The FAIR Act will provide protection for an employer who feels strongly that its case merits full consideration. It will ensure the fair presentation of the issues.

The FAIR Act says to these two agencies that if they bring a case against a ''little guy'' they had better make sure the case is a winner, because if the Board or OSHA loses, if it puts the small entity through the time, expense and hardship of an action only to have the business or labor organization come out a winner in the end, then the Board or OSHA will have to reimburse the employer for its attorney's fees and expenses.

The FAIR Act's 100-employee eligibility limit represents a mere 20 percent of the 500-employee/$7 million net worth limit that is in the Equal Access to Justice Act (EAJA)—an Act passed in 1980 with strong bipartisan support to level the playing field for small businesses by awarding fees and expenses to parties prevailing against agencies. Under the EAJA, however, the Board or OSHA—even if it loses its case—is able to escape paying fees and expenses to the winning party if the agency can show it was ''substantially justified'' in bringing the action.

When the EAJA was made permanent law in 1985, the Congress made it clear in committee report language that federal agencies should have to meet a high burden in order to escape paying fees and expenses to winning parties. Congress said that for an agency to be considered ''substantially justified'' it must have more than a ''reasonable basis'' for bringing the action. Unfortunately, however, courts have undermined that 1985 directive from Congress and have interpreted ''substantially justified'' to mean that an agency does not have to reimburse the winner if it had any ''reasonable basis in law or fact'' for bringing the action. The result of all this is that an agency easily is able to win an EAJA claim and the prevailing business is often left high and dry. Even though the employer wins its case against the Board or OSHA, the agency can still avoid paying fees and expenses under the EAJA if it meets this lower burden. This low threshold has led to egregious cases in which the employer has won its case—or even where the NLRB, for example, has withdrawn its complaint after forcing the employer to endure a costly trial or changed its legal theory in the middle of its case—and the employer has lost its follow-up EAJA claim for fees and expenses.

Since a prevailing employer faces such a difficult task when attempting to recover fees under the EAJA, very few even try to recover. For example, Mr. Speaker, in Fiscal Year 1996 for example, the NLRB received only eight EAJA fee applications, and awarded fees to a single applicant—for a little more than $11,000. Indeed, during the ten-year period from FY 1987 to FY 1996, the NLRB received a grand total of 100 applications for fees. This small number of EAJA applications and awards arises in an overall context of thousands of cases each year. In Fiscal Year 1996 alone, for example, the NLRB received nearly 33,000 unfair labor practice charges and issued more than 2,500 complaints, 2,204 of them settled at some point post-complaint. Similarly, at the OSHRC, for the thirteen fiscal years 1982 to 1994, only 79 EAJA applications were filed with 38 granted some relief. To put these numbers into context, of nearly 77,000 OSHA violations cited in Fiscal Year 1998, some 2,061 inspections resulting in citations were contested.

Since it is clear the EAJA is underutilized at best, and at worst simply not working, the FAIR Act imposes a flat rule: If you are a small business, or a small labor organization, and you prevail against the Board or OSHA, then you will automatically get your attorney's fees and expenses.

The FAIR Act adds new sections to the National Labor Relations Act and the Occupational Safety and Health Act. The new language simply states that a business or labor organization which has not more than 100 employees and a net worth of not more than $7 million and is a ''prevailing party'' against the NLRB or the OSHRC in administrative proceedings ''shall be'' awarded fees as a prevailing party under the EAJA ''without regard to whether the position'' of the Board or Commission was ''substantially justified.''

The FAIR Act awards fees and expenses ''in accordance with the provisions'' of the EAJA and would thus require a party to file a fee application pursuant to existing NLRB and OSHRC EAJA regulations, but the prevailing party would not be precluded from receiving an award by any burden either agency could show. If the agency loses an action against the small entity, it pays the fees and expenses of the prevailing party.

The FAIR Act applies the same rule regarding the awarding of fees and expenses to a small employer or labor organization engaged in a civil court action with the NLRB or OSHA. This covers situations in which the party wins a case against either agency in civil court, including a proceeding for judicial review of agency action. The Act also makes clear that fees and expenses incurred appealing an actual fee determination under the FAIR Act would also be awarded to a prevailing party without regard to whether or not the agency could show it was ''substantially justified.''